

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1677-AGR-E **TCEQ ID:** RN102743192 **CASE NO.:** 34841
RESPONDENT NAME: Russell Wayne Carpenter dba Russell Carpenter Dairy

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Russell Carpenter Dairy, 1841 County Road 428, Erath County</p> <p>TYPE OF OPERATION: Dairy</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 28, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Merrilee Hupp, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4490; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Russell Carpenter, Owner, Russell Carpenter Dairy, 1841 County Road 428, Stephenville, Texas 76401 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 28, 2007</p> <p>Date of NOV/NOE Relating to this Case: September 7, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation. One violation was documented.</p> <p>WATER</p> <p>Failure to prevent an unauthorized discharge of wastewater. Specifically, waste storage pond number 2 was overflowing from the spillway, flooding the pen in front of it as well as the adjacent coastal field. The discharge flowed through the field to a roadway ditch along County Road 428 into Scarborough Creek [30 TEX. ADMIN. CODE § 321.31(a) and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$790</p> <p>Total Deferred: \$158 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$632</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on June 28, 2007, the Respondent began pumping the waste storage pond to stop the unauthorized discharge which ceased by June 29, 2007.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

TCEQ

DATES	Assigned	10-Sep-2007	Screening	18-Oct-2007	EPA Due	
	PCW	18-Oct-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Russell Wayne Carpenter dba Russell Carpenter Dairy		
Reg. Ent. Ref. No.	RN102743192		
Facility/Site Region	4-Stephenville	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34841	No. of Violations	1
Docket No.	2007-1677-AGR-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Merrilee Hupp
Multi-Media		EC's Team	EnforcementTeam 1
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$1,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 4% Enhancement Subtotals 2, 3, & 7 \$40Notes The Respondent received two NOV's without same or similar violations to those in the current case.Culpability No 0% EnhancementSubtotal 4 \$0Notes The Respondent does not meet the culpability criteria.Good Faith Effort to Comply 25% ReductionSubtotal 5 \$250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes The Respondent achieved compliance by June 29, 2007.

Total EB Amounts	\$0	0% Enhancement*
Approx. Cost of Compliance	\$500	*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$790

OTHER FACTORS AS JUSTICE MAY REQUIRE

 0%Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Final Penalty Amount \$790

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$790

DEFERRAL

 20%

Reduction

Adjustment -\$158

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

 \$632

Screening Date 18-Oct-2007

Docket No. 2007-1677-AGR-E

PCW

Respondent Russell Wayne Carpenter dba Russell Carpenter Dairy

Policy Revision 2 (September 2002)

Case ID No. 34841

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN102743192

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 4%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent received two NOVs without same or similar violations to those in the current case.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 4%

Screening Date 18-Oct-2007		Docket No. 2007-1677-AGR-E		PCW	
Respondent Russell Wayne Carpenter dba Russell Carpenter Dairy		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 34841		<small>PCW Revision September 19, 2007</small>			
Reg. Ent. Reference No. RN102743192					
Media [Statute] Water Quality					
Enf. Coordinator Merrilee Hupp					
Violation Number		<div style="border: 1px solid black; width: 100px; text-align: center;">1</div>			
Rule Cite(s)		<div style="border: 1px solid black; padding: 5px;">30 Tex. Admin. Code § 321.31(a) and Tex. Water Code § 26.121(a)</div>			
Violation Description		<div style="border: 1px solid black; padding: 5px;">Failed to prevent an unauthorized discharge of wastewater. Specifically, waste storage pond number 2 was overflowing from the spillway, flooding the pen in front of it as well as the adjacent coastal field. The discharge flowed through the field to a roadway ditch along County Road 428 into Scarborough Creek, as documented during the June 28, 2007 investigation.</div>			
Base Penalty					<div style="border: 1px solid black; width: 100px; text-align: right;">\$10,000</div>
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	X	
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
					Percent <div style="border: 1px solid black; width: 50px; text-align: right;">10%</div>
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
					Percent <div style="border: 1px solid black; width: 50px; text-align: right;">0%</div>
Matrix Notes	<div style="border: 1px solid black; padding: 5px;">Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.</div>				
Adjustment					<div style="border: 1px solid black; width: 100px; text-align: right;">\$9,000</div>
					<div style="border: 1px solid black; width: 100px; text-align: right;">\$1,000</div>
Violation Events					
Number of Violation Events		<div style="border: 1px solid black; width: 100px; text-align: center;">1</div>			
		<div style="border: 1px solid black; width: 100px; text-align: center;">1</div> Number of violation days			
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	quarterly	X			
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>			
					Violation Base Penalty <div style="border: 1px solid black; width: 100px; text-align: right;">\$1,000</div>
<div style="border: 1px solid black; padding: 5px; margin-top: 10px;">One quarterly event is recommended based upon cessation of the discharge by June 29, 2007.</div>					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<div style="border: 1px solid black; width: 100px; text-align: right;">\$0</div>		Violation Final Penalty Total <div style="border: 1px solid black; width: 100px; text-align: right;">\$790</div>	
					This violation Final Assessed Penalty (adjusted for limits) <div style="border: 1px solid black; width: 100px; text-align: right;">\$790</div>

Economic Benefit Worksheet**Respondent** Russell Wayne Carpenter dba Russell Carpenter Dairy**Case ID No.** 34841**Reg. Ent. Reference No.** RN102743192**Media** Water Quality**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	------------------------------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$500	28-Jun-2007	29-Jun-2007	0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for the pumping of the waste storage pond to ensure capacity is retained as designed. Date required is the investigation date and the final date is when the discharge had ceased by pumping of the pond.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$500

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator: CN601398506 CARPENTER, RUSSELL WAYNE Classification: AVERAGE Rating: 0.50
Regulated Entity: RN102743192 RUSSELL CARPENTER DAIRY Classification: AVERAGE Site Rating: 0.50
ID Number(s): WASTEWATER AGRICULTURE PERMIT WQ0003185000
WASTEWATER AGRICULTURE PERMIT TX0122068
Location: 1841 COUNTY ROAD 428, ERATH CO. Rating Date: 9/1/2007 Repeat Violator: NO
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: October 16, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: October 16, 2002 to October 16, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Merrilee Hupp Phone: 512-239-4490

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 07/07/2003 (119406)

2 08/31/2004 (283492)

3 08/31/2004 (291236)

4 01/06/2005 (344549)

5 08/15/2005 (405054)

6 12/14/2005 (434530)

7 11/27/2006 (519366)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/27/2003 (119406)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 321, SubChapter B 321.42(j)

Description: Soil samples not submitted within 60 days.

Date: 08/27/2004 (283492)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 321, SubChapter B 321.49(h)(1)

Description: Failure to submit a new or amended NUP and apply accordingly.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
RUSSELL WAYNE CARPENTER DBA
RUSSELL CARPENTER DAIRY
RN102743192**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1677-AGR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Russell Wayne Carpenter dba Russell Carpenter Dairy ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a dairy located at 1841 County Road 428 in Erath County, Texas (the "Facility").
2. The Respondent has discharged agricultural wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 12, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seven Hundred Ninety Dollars (\$790) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The

Respondent has paid Six Hundred Thirty-Two Dollars (\$632) of the administrative penalty and One Hundred Fifty-Eight Dollars (\$158) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on June 28, 2007, the Respondent began pumping the waste storage pond to stop the unauthorized discharge which ceased by June 29, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to prevent an unauthorized discharge of wastewater, in violation of 30 TEX. ADMIN. CODE § 321.31(a) and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on June 28, 2007. Specifically, waste storage pond number 2 was overflowing from the spillway, flooding the pen in front of it as well as the adjacent coastal field. The discharge flowed through the field to a roadway ditch along County Road 428 into Scarborough Creek.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Russell Wayne Carpenter dba Russell Carpenter Dairy, Docket No. 2007-1677-AGR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

3. Methodology

The methodology of this study is based on a combination of qualitative and quantitative methods.

The data was collected through a series of interviews and surveys.

The results of the study are presented in the following sections.

The first section discusses the findings of the interviews.

The second section discusses the findings of the surveys.

The third section discusses the overall findings of the study.

The fourth section discusses the implications of the study.

The fifth section discusses the limitations of the study.

The sixth section discusses the conclusions of the study.

The seventh section discusses the future research.

The eighth section discusses the acknowledgments.

The ninth section discusses the references.

The tenth section discusses the appendices.

The eleventh section discusses the glossary.

The twelfth section discusses the index.

The thirteenth section discusses the bibliography.

The fourteenth section discusses the list of figures.

The fifteenth section discusses the list of tables.

The sixteenth section discusses the list of abbreviations.

The seventeenth section discusses the list of symbols.

The eighteenth section discusses the list of equations.

The nineteenth section discusses the list of formulas.

The twentieth section discusses the list of diagrams.

The twenty-first section discusses the list of charts.

The twenty-second section discusses the list of graphs.

The twenty-third section discusses the list of plots.

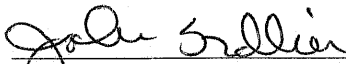
The twenty-fourth section discusses the list of maps.

The twenty-fifth section discusses the list of images.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

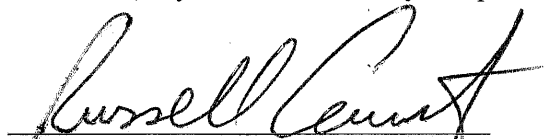
2/7/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

11-22-07
Date

Russell CARPENTER

Name (Printed or typed)
Authorized Representative of
Russell Wayne Carpenter dba Russell Carpenter Dairy

OWNER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

